

CHRISTOPHER P. NALLEY, ESQ. (CPN-8909)  
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Attorney for JAIME LYNN GULI

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ENCORE CREDIT CORP. d/b/a  
ECC ENCORE CREDIT,

Case No.: CV-05 5442

Plaintiff,

-v-

JOSEPH LAMATTINA, LAMATTINA &  
ASSOCIATES, INC., JOSEPH W. LAFORTE  
JAMES LAFORTE, JR., TINA LAFORTE,  
JAMES LAFORTE, TARA GIBSON, JAIME LYNN  
GULI, FRANCIS ALFIERI and  
MICHAEL O'LEARY

Defendants.

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**CERTIFICATION OF CHRISTOPHER P. NALLEY, ESQ.  
IN OPPOSITION TO PLAINTIFF'S MOTION FOR AN ORDER OF ATTACHMENT**

CHRISTOPHER P. NALLEY, hereby certifies under penalty of perjury as follows:

1. That I am an attorney duly admitted to practice law in the State of New York, and the Eastern District of New York, and I am the attorney for JAIME LYNN GULI ("Guli"), one of the Defendants in this action.

2. That I make this certification in opposition to ENCORE'S motion for an order of attachment against JAIME LYNN GULI, the Defendant, pursuant to 64 of the Federal Rules of Civil

Procedure and New York Civil Practice Law and Rules Section 6201(3) as well as for the request for preliminary injunction relief pursuant to Rule 65 of the Federal Rules of Civil Procedure.

3. That I am fully familiar with all facts and circumstances as set forth herein.

4. Initially, it must be brought to the court's attention that JAIME LYNN GULI is an officer of a title agency known as KEYLAND TITLE INSURANCE COMPANY incorporated in the State of New York and doing business in the State of New York.

5. That the allegations of wrongdoing raised in the Plaintiff motion are against LAMATTINA & ASSOCIATES INC., a corporation that was organized in the State of New York, which the Defendant GULI has no interest in.

6. Although in the Plaintiff's complaint, it was alleged, upon information and belief, that GULI was an officer employee or agent of LAMATTINA & ASSOCIATES, INC., no facts were stated upon which this allegation was based.

7. Nor were any facts linking Guli to LAMATTINA & ASSOCIATES, INC. in the declaration of ALANNA DARLING to indicate any relationship.

8. The only facts recited by the Plaintiff is a statement by Ms. Darling, on Page 4, Paragraph 12 of her declaration, ".... In August of 2005, a representative of Encore spoke with Defendant, Jaime Lynn Guli. Ms. Guli held herself out as a representative of Keyland. She advised Encore among other things that Keyland was aware of the problems with the loan

closings. Guli stated that L & A had been in business for forty years and that Keyland had done business with L & A for several years and had never had any problems. In truth, Keyland has only been in business since May 20, 2004, and L & A has only been in business since March 19, 2004."

9. Additionally in Paragraph 14 on page 5, Ms. Darling indicated that the individual defendants, which would include Ms. Guli, were charged with various criminal conduct and arrested by an Officer of the District Attorney of the County of Nassau.

10. These are the only allegations concerning Ms. Guli in this declaration for an order of attachment as well as preliminary injunction against Ms. Guli.

11. It should be brought to the Court's attention that in the language used in Paragraph 12 of Ms. Darling's declaration, she does not indicate that the representations of Ms. Guli cause ENCORE to do anything here.

12. Rather, the conversation that ENCORE had with Ms. Guli occurred after LAMATTINA & ASSOCIATES had already closed their business and absconded with these funds.

13. Therefore there cannot be any claim of misrepresentation by Ms. Guli that injured or affected ENCORE.

14. Additionally the mere fact that Ms. Guli was arrested in Nassau County is not enough for this court to issue a preliminary injunction or an order of attachment, under New York Civil Practice Law and Rules 6201 (3), which the Plaintiff is relying upon.

15. CPLR 6201(3) states that an order of attachment may be granted if the Plaintiff shows that

"the defendant, with intent to defraud creditors or frustrate the enforcement of a judgment that might be rendered in the plaintiff's favor, has assigned, disposed of, encumbered, or secreted property, or removed it from the state, or is about to do any of those facts..."

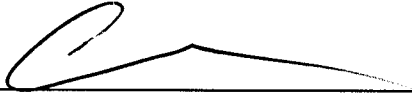
16. The Plaintiff does not state any facts that indicates that the Defendant GULI has "assigned, disposed of, encumbered, or secreted property, or removed it from the state, or is about to do any of those facts."

17. It is respectfully submitted that under these circumstances, the Plaintiff has not met its burden pursuant to C.P.L.R. 6201(3).

18. Futhermore, upon information and belief, the Plaintiff has not complied with the undertaking as was required in the original order to show cause.

WHEREFORE, deponet prays that the Court deny Plaintiff's request in it entirety and for such and further relief as to this court may be just, proper, equitable, and/or prescribed by law.

Dated: Staten Island, New York  
December 9, 2005




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CHRISTOPHER P. NALLEY CN8909  
SAMPAL & NALLEY, ESQS.  
Attorney for Defendant  
Office & P.O. Address:  
432 Forest Avenue  
Staten Island, NY 10301  
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CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the foregoing was personally served upon the following on December 9, 2005 by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name.:

MICHELE FELDMAN, ESQ.  
Lamb & Barnosky, LLP  
534 Broadhollow Road  
Suite 210  
Melville, NY 11747-9034

  
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CHRISTOPHER P. NALLEY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ENCORE CREDIT CORP. d/b/a  
ECC ENCORE CREDIT,

Plaintiff,

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SIFTON, J

-v-

JOSEPH LAMATTINA, LAMATTINA &  
ASSOCIATES, INC., JOSEPH W. LAFORTE  
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JAMES LAFORTE, TARA GIBSON, JAIME LYNN  
GULI, FRANCIS ALFIERI and  
MICHAEL O'LEARY

Defendants.

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CERTIFICATION IN OPPOSITION  
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FROM: CHRISTOPHER P. NALLEY, Esq.  
Attorneys for Defendant  
JAIME LYNN GULI  
432 Forest Ave.  
Staten Island, N.Y. 10301  
(718) 816-9060

TO: MICHELE FELDMAN, ESQ.  
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